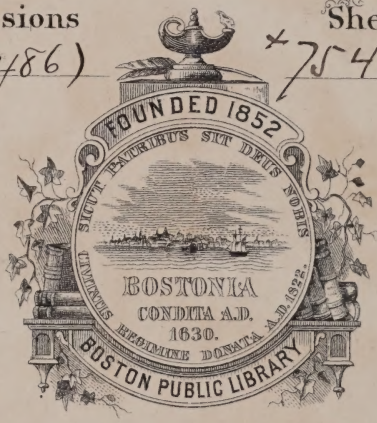
BOSTON PUBLIC LIBRARY
3 9999 08632 170 8
7704

Accessions (37486) Shelf No. * 7541.277



Received Apr. 27, 1892

Boston Public Library.

The Church and the Parish in Massachusetts.

USAGE AND LAW.

ADDRESS

DELIVERED AT THE COMMEMORATION OF THE
250TH ANNIVERSARY OF THE GATHERING
OF THE FIRST CHURCH IN
DEDHAM, MASS.,

AS OBSERVED JOINTLY BY THE

First Parish and the First Congregational Church,

ON

NOVEMBER 19TH, 1888.

BY

GEORGE E. ELLIS.

BOSTON:
BEACON PRESS, 1 SOMERSET STREET.
1889.

The Church and the Parish in Massachusetts.

USAGE AND LAW.

ADDRESS

DELIVERED AT THE COMMEMORATION OF THE
250TH ANNIVERSARY OF THE GATHERING
OF THE FIRST CHURCH IN
DEDHAM, MASS.,

AS OBSERVED JOINTLY BY THE

First Parish and the First Congregational Church,

ON

NOVEMBER 19TH, 1888.

BY

GEORGE E. ELLIS.

BOSTON:
BEACON PRESS, 1 SOMERSET STREET.
1889.

THE following note of invitation will explain the occasion of this address:

DEDHAM, MASS., July 20, 1888.

REV. GEORGE E. ELLIS, D.D.

Dear Sir: The 250th anniversary of the "gathering" of the First Church in Dedham will be celebrated jointly on the 19th of November next, by the two churches which trace their descent directly to that historic event. At a joint meeting of the Anniversary Committees it was decided that on Sunday, November 18, the event should be commemorated by each church in its own house of worship by such services as it may appoint, and on the afternoon of Monday, 19th, by the two churches jointly in a service held in the meeting-house of the First Parish, on the spot where the first house of worship was erected, upon which occasion some competent person should be invited to deliver an appropriate address. Your inheritance in the traditions of the First Church, and your familiarity with the period to be commemorated, made your name the first to be mentioned for this service. In accordance with the unanimous vote of the joint committees, I have the pleasure of inviting you in their name to give the address proposed on that occasion. The committee will be glad to hear from you, and to receive if possible a favorable response at an early day. Respectfully yours, in behalf of the committee,

S. C. BEACH, *Chairman.*

The first reply made to this invitation was one of hesitancy as to its acceptance, the reason given being a reluctance to deal with a subject which, as the tenor of the following address will show, was the occasion of not only a local, but an extended and embittered excitement. A final decision was deferred for two months, when the writer accepted the invitation, as so courteously extended to him, with the purpose of dealing with the subject in a calm and impartial spirit as one of historical review and retrospect.

The Church and the Parish in Massachusetts.

USAGE AND LAW.

Among the suggestions and reflections which oppressively crowd the thoughts of a diligent and well-furnished student of Christian history, especially that of the last four centuries, there are two of the gravest import. The first comes in the form of this question: Why was it that at the period of that distracting convulsion in the political and religious affairs of Europe called the Reformation—why was it, that the Roman Catholic Church did not in itself, by itself, and for itself, institute a thorough and searching process of purification, renovation, and even of reconstruction? It seems as if, within the limits of practical possibilities, it might have done so. In so doing it might have won reverence, glory, and gratitude from its noblest members, and have silenced and discomfited its enemies. What deplorable strifes, woes, and tragedies might then have been averted from our common humanity!

That church stood for and claimed to be representative on the earth of the kingdom of God — a divinely constituted society, with truth, virtue and piety for its foundation pillars, with justice and righteousness for the methods and the ends of its rule. That church, as yet unshattered in its august fabric, seemed to present the only opportunity and agency there had as yet been in history— must we say, also, the only one there ever will be? — for uniting a family of Christian nations, the most advanced and steadily progressive states and kingdoms of the civilized world, into one Christian commonwealth, ruled in all their highest concerns by an inspired super-earthly authority.

That church then, always, and now, had and has some of the noblest and most awing elements and principles for hold-

ing the love, reverence and obedience of all classes of men and women. Its claim and purpose of unity and universality gave it grandeur and dignity. Its marvelous organization rivals in earthly gradation and order the rankings of a solar or planetary system. It improved with aptitude and skill its grand opportunity to substitute a unifying spiritual sway over the fragments of a wrecked political empire. By conciliation and thraldom, by temporizing arts and mediating interventions, it established a more than feudal rule over royal vassals. It made itself needful and powerful in the balancings of political strategies. It had ingenuity in intrigue, and for provoking wars, campaigns, and insurrections, from which it gathered in the spoils. It was for centuries the only mediator and arbiter in all diplomatic intricacies. Its intervention, invited or obtruded, decided the smallest and the largest issues. What splendid service that church had wrought in rekindling civilization in Europe; in restoring, preserving, and extending all learning; in turning quarries of stone into cathedrals of majestic sublimity and beauty; in spreading upon the radiant canvas the whole Bible and all sacred history, with saints and heroes, men and women, in truth and in fond legends, in richest tints and pigments. What a galaxy of starry witnesses, servants, and disciples makes up the church calendar of sainthood, of orders, fraternities, and sisterhoods, of scholars, of statesmen, of the wise and valiant, of lonely missionaries in all their heroisms! These were the mighty and splendid possessions and achievements of that church, fitting it to guide and consecrate the civilization of the world.

Why, then, did not that august and potent hierarchy, in the crisis of peril to its sway and unity, assume the faithful work of its own purification and renovation, repudiating and casting out of it all that made it hateful and false and insufferable among men? It had had solemn remonstrances and warnings from wise, sagacious, and holy men within its as yet unbroken fold. "Reformers before the Reformation" is the familiar and honorable designation of a role of faithful disciples, but stern censors, within its yet unsundered fellowship — men,

some of whom the church has since beatified—who pleaded in vain for self-renewal and purification from its enormities and scandals.

The answer to our question, which includes the most of the grounds and reasons why the church could not avert the assault and rupture and humiliation of the Reformation, is expressed in the sentence that it had become entangled, diseased, and corrupted by the things of this world. It was vitiated through and through by an element of falsity. There was not left in it the soundness and energy of wholesome, recuperative life. It had lost its coporate sanctity. It had entered into leagues, and bargains, and plottings, and rivalries with states and princes, espousing their strifes, introducing astute churchmen into their cabinet councils and guiding their military campaigns. It put to service, for ends of worldly ambition, all the trickeries of artifice, policy, intrigue and double dealing with an ingenuity which perplexed and baffled the most cunning diplomacy. Its greed and grasping for land had made it the largest territorial proprietor and temporal potentate in all Europe. Internally it was riven with dissensions, with popes and anti-popes contesting for the sovereignty. Simony, nepotism, sensual vices, and every form of unrighteousness and crime made popes, cardinals, and ecclesiastics of every grade, the subjects of scandal and reprobation. Marriage being forbidden to the clergy, free concubinage was the consequence. Fraudulent and fabulous pretensions underlay the very foundations of the papacy, and groveling and childish superstitions were the most potent elements of its sway over its docile and credulous disciples.

All these fatal and condemnatory verdicts against .the Church come from accusers and revelations within its own fold, from the "Reformers before the Reformation;" before a single word had been uttered or a single line had been written by an avowed Protestant. It suits the modern champions of the Roman Church to ascribe the convulsion of the Reformation in our mother England to the resentment of Henry VIII of the refusal of successive popes to sanction his divorce from

his lawful wife. As if the lustful passion of one man, monarch though he was, could have kindled Europe into revolt from the papacy. But moral and religious scruples against a sanction of divorce were the least of the motives which wrought with the pontiffs. Their entanglements with imperial and royal policies and rivalries were the obstructions. We can hardly assign moral scruples to the pontiffs of that era, when we have seen their successor, this very year, granting to a ducal applicant permission to commit the sin of incest, for a money consideration.

The alternative is open for those who choose to decide, either that the church lacked the will and the resolution for its own purification, or that corruption in its very organism and vitals would have made the process fatal to its life. But this internal reform failing, the consequences were division within, assault and protest from without, and an irreconcilable rupture.

The able and eminent French bishop, Bossuet, thought he had exposed a fatal and irremediable error in Protestantism, more than a century after it had been showing its fruits, by setting forth with vigorous raillery its "Variations.' Protestantism was the parent of Discord. Its divisions and subdivisions into fragmentary sects, with their contentions, were a scandal upon religion, bringing it into contempt. By some Protestants these variations have been lamented and condemned as just occasions of reproach. Others, wise and serious observers, even in view of all the discord and contentions of sects, have been reconciled to them as the results of sincere and earnest apprehensions of the manifold elements of truth.

At first view it might seem remarkable that the old church should have apparently been so wholly free of sectarian divisions; but on a keener study of the matter we are brought to recognize the sagacious policy of that church in contrast with the scattering tendency of Protestantism. However rigid may be the rule of doctrine and discipline in a church maintaining strict unity, there will always appear from time to

time, in its fold, men and women of strong individuality of opinion, temperament, impulse, or zeal, emphasizing some single virtue, habit of life, rule of observance, method of devotion, or type of piety. These would break off into sects under Protestantism. But the Roman Church, with an adroit and wise balancing of indulgence and restraint of freedom and authority, allowed all these threatening individualisms to spend their energy and zeal in organizing orders, fraternities, sisterhoods, with their rules, statutes, occupations, preferred devotions, and special garb—all held, however, to the root of unity. They were like little rills, rising and swelling from distant and independent springs and hidden fountains, but quietly led on in their channels to the one full stream. But in Protestantism every eccentricity and individuality in active and restless minds has produced a fissure and a fracture, splitting off into a sect.

This leads us to recognize the second of those gravest reflections derived from the study of our Christian history of the last four centuries, and which will bring us nearer to our special theme. It is a profound impression of the entire lack of apprehension and consciousness in the whole reforming party of the consequences to themselves and to all who should follow them, of their repudiation of a long vested authority in religion, and of their utter lack of any adequate substitute for it. It was as when part of the company on a well-furnished but imperilled ship desert it for the open sea, leaving behind them compass and charts, pilot and commander. Little did those Reformers realize the infinite distractions which were to follow, to vex them with discord and strife, with endless alienations and divisions, and the bitterness and iniquity of mutual persecutions. Long wonted to the restraints and guidance and forced adhesions of authority, they knew not how to use freedom for common ends of harmony. Every single step in the inevitable series of progressive stages of development, expansion, enlargement, and liberalization under Protestantism, which ought to have been looked for as the most natural and reasonable consequences

of parting from authority, has come even upon the most intelligent and rightly-intentioned men as a shock or surprise, exciting amazement and horror, and prompting them, when it was possible and feasible, to call in force, penalties, punishments, and the terrors of the law for suppression or vengeance. The series of controversies, variances, and quarrels, with or without the interference of legal processes through which the history of Protestantism leads us, alike in the councils of nations and in the feuds of little villages, far exceeds in length and in sadness of retrospect the revolutions, convulsions, and catastrophes which make up civil and political history.

In leaving the ship of the Church for the open sea, the Reformers took with them the Bible. Precious beyond all expression or estimate is that sacred volume. Above the church on earth, with its hierarchy, better than the tubes and lenses of the astronomer with which he pierces to the secrets of the upper world, is that revealer and witness of things divine. That volume serves with inexhaustible and ever-opening wealth the uses of piety and edification for men. But it is of no more use for preventing or reconciling the doctrinal diversities or contentions of its devoutest readers within the field of opinion and discipline than would be an unabridged dictionary. It furnishes indeed the material and provocation, the catch-words and symbols of all the sectarian divisions, the controversies, and contentions of centuries in the history of religion.

It is with one of these, a trivial or a serious one, as you may regard it, in the infinitely varied series of such successive developments, that I am now to deal. This then fair village was the scene and the occasion in which a legal tribunal was called upon for judgment concerning one of these (shall I call them?) developments and results of Protestantism. Many years ago I had come to the resolve — after much thought, time, and labor, privately and through the press, given to such subjects — that I would never again concern myself with, or speak, write, or publish anything connected

with our old religious controversies. It is difficult to reach the hard-pan through those bogs and underlying quicksands. It is doubtful if there is any bottom to those soundings. So, when I was invited to the slight service which I am now to undertake, my first prompting was gently to release myself. But on reflection, the quality, the kindness, and the courtesy of the invitation, coming from two representative parties, gave to it an urgency for me. Nor was I long in reminding myself—indeed, the thought was spontaneous—that time and change and charity had so calmed and chastened the once embittered feelings of a sharp conflict, that its ashes might be analyzed without rekindling the fire. Not a word nor a moment would I give to the rehearsal of the alienation between townsmen, families, neighbors, and life-long friends attendant and consequent upon the variance. I have read the documents about it, but they have an ill flavor and odor in them which I will not cast upon this pleasant autumn air. All those once inflamed grievances are now as absent from the living in these scenes as they are stilled in the passionless dust of those sleeping in the village burial ground.

Our subject has interest for us simply as putting before us a chapter or incident in the history and religious usages and legislation of Massachusetts. A judicial decision reached here established a legal precedent for all like cases that did or might arise in a period of strong excitement among the old Congregational societies of the State. The question which was opened was: What were the respective rights and privileges, as derived alike from history and traditional usage, and from constitutional and statute provisions, of two associated bodies in one of our old religious societies; the one, the members and the proprietors in a corporate parish, compelled by legal enactments to support a public teacher of religion and morality; the other, an unincorporated, voluntary, and self-constituted fellowship within the parish, of men and women united by a covenant of their own approval, as a church for maintaining and enjoying Christian ordinances? The two parties here could not dispose their difference by concession

or compromise, and as questions of property were concerned the interposition of the judiciary was inevitable. The decision was a shock and a surprise to the discomfited party. It was received as depriving the members of a church in covenant of a supposed inherited and established right. That is the point of view from which I approach my subject.

Let me ask you to withdraw your thoughts for a few moments from the local bearings of this subject, to which we will return with its special interests, and to engage them on its far wider, comprehensive relations. It was not at all strange that a church here in the wilderness, in the seventeenth century, in the line of the generations of Christian discipleship, should regard itself in its relations to a local parish as a privileged body, with distinct and important rights. We shall have to look far back into Christian antiquity, even to the first promulgation of the religion, to find a full explanation and reasons for a special church prerogative. This is most vitally concerned with the continuity and the transmission of the religion of Jesus Christ. All through the centuries of its course we may trace the existence, the presence, and the relations to each other of two distinct classes of persons, who gave it degrees of their attention and interest, and put themselves into quite different attitudes of discipleship and duty towards it.

We should have to begin with the gospel narratives. We there read of selected, attached, and avowed followers and intimate attendants on Jesus, who shared his privacy and were favored by his confidence; and we read also of another class, chance and irregular listeners to his teaching, called "the multitude," or "the people," pausing near him from curiosity or momentary prompting. We trace the presence of the same two parties with the same relations to each other in the subsequent ministry of the Apostles. In synagogues and market places were ready and curious listeners to preaching and exhortation; and in private houses, apartments, and upper chambers were groups of avowed and earnest adherents with Christian convictions, faith, and mutual discipline. The

distinction was soon drawn, or rather, drew itself, between covenanted and uncovenanted disciples, between those who "gladly heard the word" and nothing further, and those who were known to each other as pledged, committed to constancy in intercourse and observance. Then came in what we know as covenants, ordinances, sacraments, recognized by these pledged disciples as methods for their mutual recognition, and the basis of their fellowship, their reliance on each other for sympathy, steadfastness, and support. For this inner fellowship were reserved confidences and privileges.

The term "mass," as attached to the most august and solemn of the rites of the Church of Rome, carries in its definition the whole breadth and depth of the distinction drawn between companies and attendants on Christian teaching and exhortation, and the covenanted fellowship of disciples. The word "mass" is from *missa* or *dimissa;* pronounced by the officiating minister it was a signal for the uninitiated to depart, that the inner fellowship might engage in a privileged and reserved service.

Among the mountain heaps of Christian literature there may be — though I do not recall any such — a strong, argumentative essay which might deal very ably with this theme, viz.: that the survival and continuity in living presence of the Christian religion were vitally dependent from the very earliest age upon a pledged and covenanted body of avowed and constant disciples. Would anything be known or extant beyond a mere historical tradition of an instituted Christian religion had it not been for this original and perpetuated covenant-body of pledged disciples, as distinct from a random series of assemblies, congregations, listeners to preaching and exhortation?

If we were to follow up this subject it would lead to a clear, emphatic statement of the immeasurable influence which covenants, observances, communion rites, and sacraments have had in perpetuating Christianity. The old peripatetic philosophers were well named—traveling, wandering teachers. They had hearers, after a sort disciples. But they had no

covenants, no sacraments. They founded schools, but not churches. Some of the old pagan religions had their "mysteries," but the only quality in them was mystery. The distinction between Christian churches and congregations was no after device. It was original from the first, drawn between listeners to, hearers of preaching, and those who charged themselves with assumed and avowed obligations by covenant. This distinction has reached its extremest — it may be its unnatural and objectionable—division in the Church of Rome. In view of what we shall, by and by, have to recognize as the limited and subordinate relation into which the legal decision put our Congregational churches in their connection with parishes, we may well take note of the complete inversion of the relation of the two parties among the members of the Roman Church with which the laws of our State do not interfere. In that church, now so strongly established by Irish immigration into this old Puritan heritage, the existence of two parties, representing the church and the congregation, presents itself substantially as the distinction between the priesthood and the laity. In this respect the Roman discipline is in complete antagonism with the rule established by the decision of our Supreme Court.

In the Congregational fold the ministers were the servants, at best the equals, of the members of their flocks; not their masters, or in anything their superiors. In all that concerned instituted religion, providing edifices and appliances for public worship, the collection and use of money, the choice and ordination of religious teachers, the establishment of a platform of faith and discipline, and the recognition of sister churches, the laity, the brethren, either took the initiative or had a joint participation in all affairs. Titles to land and edifices were vested in lay trustees.

Observe how all this is wholly reversed in the usages of the Roman Church here. The priests constitute a fellowship as close and reticent and as free from legal visitation and oversight, as are our secret fraternities — to which in all other respects but its own the church is so inimical. The laity

know of their conferences, methods, and purposes only so far as the priests choose to disclose them. The creed, the things to be believed in summary and detail, is imposed authoritatively. The construction and application of it are made by the priesthood. Docile obedience to discipline is the prime condition of discipleship. All ceremonies, rites, and observances are of exaction. The laity have no choice in the selection or institution of their pastors or teachers. The parish is made up and bounded for them. The laity contribute all the funds and resources, but have no voice in the allotment or disposal of them, and no treasury report of amount or use is ever returned to them.

You pay your money, but you do *not* take your choice. Churches, colleges, schools, parsonages, seminaries, hospitals, and cemeteries spring forth like magic all around us, revealing to us only the energetic activity of the priesthood, and their marvelous success in gathering money. All this property of every kind is vested in the bishop of a diocese, and passes by an open will to his successor. The church may become the largest landholder in our country. Here in the priesthood, then, we have the church, infinitely transcending in functions and authority the covenanted fellowship among the Puritans. And where, meanwhile, is what answers to the congregation among them? It is composed of a consenting and docile flock, responsive to priestly counsels and requisitions, reverently kneeling before the altar, receiving the fragment of the holy wafer, and passing the ordeal of the confessional as the condition of a saving shrift in the solemn parting hour of life.

Certainly, in the old, once dominant, but now shattered church, the distinction which I have historically traced between church and congregation has reached a most radical and dividing result. Going back to our own original Puritan usage seems like a return to primal simplicity. I have had in view merely to indicate that in some way, or by some method, through the succession of Christian generations, there has prevailed something answering to a distinction between church

and congregation, marked by covenants and sacramental symbols, for those who, so to speak, avowed discipleship and made themselves responsible for maintaining Christian observances, while they were associated more or less intimately or dependently with chance assemblies of so-called "hearers of the Word." The inference has been intimated that the living perpetuity and discipleship of the Christian religion has been secured, as otherwise it would not have been, by the continuity of this pledged and covenanted body with sacramental symbols. There have been, as there are today, associations and assemblies on Sundays and other days for instruction, worship, sympathetic and ethical culture, and benevolent activity, which do not call themselves churches, but which are more or less under Christian baptism. They dispense with pledges and sacramental observances. Some of these have ceased after trial. It remains to be proved whether any such experiment can attain to Christian continuity.

My aim has been so far to lead on to the question which our Puritan ancestry asked, and in their way answered — whether the church which had done such service was not entitled to some privilege and prerogative? That was the real issue involved in the controversy with which we have to deal.

Before I proceed further, and in view of what is to follow, I must here frankly avow that I feel a measure of sympathy on the side of those who were deeply aggrieved, as under a sense of wrong, by the practical workings and effects of the decision of the Supreme Court in the case that is to come before us. After considerable study and reading of subjects of intensified strife and contention, making up so largely what is called Christian history, I have learned the value of candor, of constraint upon the indulgence of preferences and prejudices on my own side, and of large allowances for the lights and shades of all party conflicts. The decision of the court bore heavily and grievously upon religious relations and beliefs, associations and fellowships, which had become most dear and sacred to many devout hearts.

But let me explain that the personal sympathy to which I refer is not from preference or approval of the doctrinal tenets of either party, nor from any better temper or conduct of either party in the strife which followed. I would define it rather as an historic sympathy arising from a full view of facts, usages, traditions, and recognized methods with which the legal decision seemed to deal roughly.

Let me repeat, the matter for adjudication concerned the respective prerogatives, privileges, and legal rights of parishes and of churches composed of some of their members gathered in the old Congregational societies in this State. The original General Court of the colony claimed the right of jurisdiction over the whole territory and the inhabitants within the bounds of the charter. It soon began to grant parcels of land within the wilderness, with valleys and meadows, to companies of petitioners for settlement.

With a healthful dread of allowing bodies and groups of strolling, straggling adventurers—such as within our own century penetrated our western frontiers—to plant in lawlessness and disorder, the court in all cases made it a primary and requisite condition of its grants, that each company should have with them, and should maintain, a competent minister of the gospel. This and other municipal provisions constituted our old towns parishes. The internal history of these early parishes offers matter of interest, including two very different classes of occasions and subjects—the one of gracious and edifying tenor, the other of variances, feuds, and quarrels. The one class presents us with noble and elevating themes, showing the origin and transmitted influence of principles and habits in religion, morality, and education, in the training of men and women and households in domestic fidelity and purity, in neighborly virtues, and in all that secures prosperity and good government—which has made Massachusetts the most privileged heritage on the earth. The ministers and the ministers' wives were the guardian angels of these wilderness settlements.

But while all this excellent work of training and influence

went on, one who is curious in such things may trace through parish and church records a series of petty strifes and vexations, sometimes sharp alienations, even on matters which look to us as of very trivial interest. In isolated, torpid, and humdrum scenes of laborious life, little things loom largely. Each parish had one or several of the following excitements to stir it: The choice for life-long settlement of a new minister, and the apportionment of his salary in beef, pork, corn, wood, and silver; the site for the rebuilding of the meeting-house; the seating of the people in it according to social rank; changes in the mode of conducting public service; whether the Scriptures should be read with comments or without them; the deaconing of a psalm or hymn, line by line, when the people could not afford psalm-books; the exchange of one psalm-book for another; the use of a pitch-pipe in starting a tune; the introduction of instruments, viol or organ; the placing of singers, male and female, together; the piques and discords of choirs, and the innovations in warming the house. These and how many more occasions were there for parish feuds, before there were yet separation and division by sects.

We must now take another step in dealing with our subject. I have spoken of each of our early townships as being a parish for the compulsory support of public worship and instruction, and of an internal body or fellowship of men and women covenanted together and constituting a church in each parish for the observance of ordinances. What were the relations between these bodies, on which in 1818 a judicial decision was found necessary?

It was in preparation for meeting this question that I began with a brief historical reference to a distinction drawn, from the first preaching of the gospel, between those who listened to it and those who were covenanted in discipleship to it. It was in full recognition of that distinction that congregations and church fellowships were from the first gathered in Massachusetts. The matter, simple at first, became complicated. Usages, allowed or tolerated, methods, asserted claims and

rights well-nigh having the force of common law, and then a succession of legal statutes, frequently changed and coming into direct conflict with each other, had brought in the elements of confusion.

The theory and practice of Congregationalism, by which the churches of Massachusetts were planted, as distinguished from Episcopacy or Presbyterianism, was the full and perfect right, under the New Testament pattern, for each company—of convenient size—covenanted together to choose, institute, and ordain all officers, pastors, teachers, ruling elders, and deacons needed by them in a congregation or church for teaching and ordinances.

It has been often claimed that Congregationalism was organically and vitally identified with a certain system of doctrines in a formulated creed. The only ground for that claim is that, in the revival and restoration of the New Testament Congregationalism by the Puritans, a certain formulated creed and system of doctrines were then prevailingly accepted. But that was no organic element of Congregationalism—which may consist with different doctrinal beliefs and usages. Democracy is distinguished from monarchy and aristocracy in government. But democracy is not identified with one special platform of principles or with a set of political usages and opinions. We shall have to refer farther on to the elements which came in to complicate the main issue in the contest, from the changes of doctrinal opinions and beliefs where there had once been substantial agreement.

We must briefly review the methods, usages, and legal enactments which, from the first settlement of this colony, disposed of the relations between the two parts of a parish—the congregation and the covenanted inner fellowship, the church.

We are at once reminded of the lack of uniformity, the variety of method adopted in this matter at different times and in different places. Sometimes a covenanted body, the church, was the original nucleus around which gathered a congregation, and the proportion of numbers in the member-

ship of each was constantly changing. Sometimes a church was formed within a previously assembled congregation that had maintained worship. Governor Winthrop, the Deputy Governor, "and many others, men and women," formed at Charlestown, July 30, 1630, the First Church of Boston. They had then no minister or other officers, which they elected and instituted a month afterwards. They called the body which they thus formed "a Congregation or Church." They signed a very simple and tender covenant without any doctrinal articles, which continues in use unchanged today. In other cases, as for example in this First Parish of Dedham, there had been worship under a tree and in a rude meeting-house by a congregation, within which was afterwards gathered a church.

When the famous order of the court was passed, May 18, 1631, restricting the civil franchise to church members, the whole matter seemed to be decisively disposed of. For if church members were to have exclusive authority in all civil affairs they might well exercise their prerogative over congregations in parishes. It seems to me that the tenacity with which church bodies afterwards asserted their rights in the initiative choice and institution of ministers is to be referred to this original exclusive enjoyment of the franchise. This restriction upon citizenship was stoutly clung to till the royal order of Charles II, in 1665, positively insisted upon the enlargement of civil rights. Even then the sturdy court rather circumvented than complied with the order, by requiring that any man seeking a citizen's rights and not a church member should present such a certificate of character and orthodoxy, as well as property, as might have secured his admission to a church, if he had chosen to seek it. It was not strange, therefore, that when church members were deprived of their exclusive civil rights they should infer that, as the king had not interfered with their church affairs, they could retain, in entail, their own precedency in the choice of their ministers.

There were, however, four orders passed by the General

Court within a space of ten years, 1636–1646, by which confusion was introduced in the relations between inhabitants of a town and the churches in them. In the exercise of its authority by the court, first came in a provision that proved fatal to harmony and an element of injustice. This furnished a rightful and effective plea by which parishioners, not church members, could claim to have a voice in the choice of their ministers. The first of these orders was a requisition, in 1636, applying to a single town (Newbury), that as the church members in it could not bear all the expenses they had incurred in building a meeting-house and for their minister, the cost should be assessed, *pro rata*, upon all the inhabitants of the town. The second court order, 1638, made that same exaction for the support of churches and ministers applicable to all the towns; the hint being dropped to reluctant persons that they might avail themselves of religious ministrations if they chose to do so.

The third of those orders (1643) provided that the churches should be written to to enforce upon their members their duty of voting in civil affairs, when for any reason they failed to exercise it. The fourth order (1646) imposed upon every inhabitant of a town the obligation to attend on public worship under a penalty of five shillings fine for each occasion of absence. The penalty in England for the offense at that time was only sixpence.

Obvious enough it is, and reasonably enough it appears to us, that the court in these exactions—unwittingly, it doubtless was—provided the grounds and the materials for the strife which subsequently arose between parishes and churches as to the management of their joint affairs. The time was to come when churches would protest: "We will not have a pastor set over us whom we have not ourselves chosen and put in office;" and when members of the parish would plead: "If you compel us, it may be against our will, to maintain and listen to a minister, we ought to have the privilege of selecting him."

We can understand how, under the circumstances of chang-

ing times and opinions, harmony might first exist in the relations between parishes and churches, and then how that harmony would be disturbed. A continuance of a general accord in doctrinal belief would be one condition; another would be the preponderance in a parish of the number of those who were under the church covenant. Where the church embraced nearly the whole or a large majority of the male members of a parish, any variance between the two bodies in the selection of a minister would be ineffective if it showed itself. We must remember that the range of choice of ministers in our early years was limited.

The following enactments are found under the head of Ecclesiastical Laws, in 1641:

The *inhabitants* of any town, "who are orthodox in judgement and not scandalous in life," not as yet "in a church way," receive full liberty to enter into such in an orderly and Christian way, after having notified neighboring magistrates and churches of their intention, and receiving approbation. Each church so formed was free to exercise all Christian ordinances, to elect and ordain all officers —"able, pious, and orthodox"—and to admit, discipline, and expel members on due cause, "according to the Word;" support of and attendance on all occasions of public worship are required under a penalty, and habitations for and maintenance of ministers are to be provided for by a town tax. To make sure of its intent in this matter, the court in 1668 declared that the *church* to which it had assigned such powers was to be understood as meaning only members in full communion, and the minister chosen by them should be such to the whole town. Any one not a church member, who presumed either to take part in or to dispute the choice, should be proceeded against under civil process. This law, it will be observed for further reference, made the minister thus chosen both the religious teacher of the whole town and the pastor of the church.

Restiveness and dissatisfaction soon prevailed under this legal disposal of some delicate matters. So we find a Province law, thirty years later, vested the choice of a minister in

the inhabitants of the town at large, with the singular proviso that if a town neglected for six months to choose a minister, then the court should provide and settle one. Thus the church was cut off with a *salvo* securing to it "all its privileges and freedom in worship, church order, and discipline." The next change in the law made a concurrent choice of parish and church requisite. Finally, another law enjoined that the church should initiate the choice, and if the town did not concur, then the church should call a council of three or five neighbor churches, whose decision should dispose of the variance for either party. I know of no case in which this reference to a council was used. The Legislature next gave the right of choice to the parish, independently of the church. This not working well, the church was allowed a concurrent vote, and the next year was reinstated in its exclusive privilege of electing the minister. A statute of 1754, proceeding on the fact that churches, as not being coporate bodies politic, could not hold property in succession, constituted deacons trustees of all church and parish property. Our State constitution and statutes gave the right of electing a minister to the parish from which he derived his support.

There certainly was occasion enough in these frequent and radical changes in the legal interference with the relations of parishes and churches for provoking variance and strife. But there came in another complication in the case. The law rested in the provision that each town should have and maintain "a public teacher of morality and religion." But it was contended that while such a minister might serve the use of a parish at large, he could not, as a matter of course, be constituted by the parish the pastor of the church to officiate in ordinances. This sacred official character could not be given to him by vote of the town, for the earliest law had made covenanted members in communion the electors and ordainers of their pastors. So prescription and usage had come to require that ordination to a pastorate should be the solemn act of the church as such, calling in the presence and approbation of a council of sister churches.

The court was responsible also for all trouble from this source. In its natural desire to secure harmonious, sisterly, and even unity of methods and discipline among the churches, to prevent their becoming eccentric and antagonistic individualities, the court had prompted and approved the making of a platform of constitution and discipline with rules for neighboring churches, represented by pastors and delegates, to gather in councils to recognize the initiation of a new church body, the institution of a new pastorate, and to mediate and give advice where there was variance. So far as these councils confined themselves to friendly, advisory, and unassuming offices they might serve excellent uses. But the moment they assumed authority they struck at the very foundation of Congregationalism, the full, complete independency of each Christian fellowship. Even laymen in the congregation might, and often did, ordain their ministers and other officers. True, these laymen represented a covenanted body, not the mere parish. But the parish had no need of a council except as matter of courtesy. Still, this call and intervention of a council came by usage to be regarded as an ecclesiastical ratification, and solemnity, which added to the teaching of morality and religion, the quality of an ordained pastor of a church.

We have now to inform ourselves, as fully as the materials in our hands will admit, as to the actual connection and relations between a parish and a church formed or existing within it, when the matter came up for judicial decision. We have seen that these relations had been regulated and disposed both by legal orders and by usages. The law had been frequently changed. The usages were traditional, embracing alike claims of right, reason, and courtesy.

I am prompted by historic candor, as I have said, to admit a strong basis for the claims of prerogative and privilege set up by the church in the choice of a pastor. The claims were by inheritance. We have traced the origin of them in the first Christian age. There had been no break in the succession in the assertion or the allowance of them down to the

date with which we are concerned. A fellowship of covenanted disciples, when brought into connection with those not pledged as they were, assumed special responsibilities. A church was the voluntary, spontaneous, earnest agency for upholding pious and sacred usages in a community. It charged itself with solemn and momentous obligations. By many offices and observances, by occasions of fasting, renewals of its covenant, mutual reawakenings of its membership, and the quickening of zeal and labors, it constantly sought to reanimate and edify itself, and to be the medium of many benefits to a community. Well, therefore, might a church hold itself distinguished in privilege as to Christian institutions above the wholly unpledged members of a congregation or town parish, a proportion of whom might be indifferent, chance attendants on preaching when they liked it, and often grudging their compulsory support of it. Thus stood the case at the crisis which we are reaching.

In the parishes and churches to which the legal decision, as a precedent, was applicable, the relations stood as follows: The church had become an *imperium in imperio*, and the issue came to be raised whether it was supreme or subordinate. The parish was a body politic with consequent rights and obligations. It was compelled by a public proprietary tax to support a minister of religion for the inhabitants. The church was a self-constituted, self-perpetuating body, of both sexes, of minors and adults. It might have members who were not proprietors, not taxable in the parish. It might include servants transiently in the families. New-comers moving in from other towns, who were church members there, might commune by sufferance, though by usage expected to present a letter transferring relations. The church, not being incorporate, as was the parish, could not hold or transmit property in perpetuity. Its individual members had no transfer rights as pew holders or sharers in a fund. The church used the parish or the congregation as, so to speak, a feeder from which to add to its own membership. It was wholly for the members of the church, for the time being, to decide on

the terms and conditions for the admission of new members. These were an assent to a covenant, a confession of faith, and a profession of religious experience. These terms as concerning doctrinal beliefs might be free or rigid — they might from time to time be changed, reduced, relaxed. There might be devout and earnest men and women in a parish who were ready and even desirous to partake of church ordinances. If their consciences or convictions withheld them from assenting to certain doctrines or terms of the covenant, they could not become church members. If the number and weight of character of such persons induced the pastor and covenanted members to make the formulas of admission unobjectionable to them, they gladly availed of the privilege.

We come now to the most delicate matter of our subject. From our historical review, thus far, we have seen how abundant were the occasions and materials for friction, for variance and contention in the relations between parishes and churches as regulated by law and usage. The choice and institution of a new minister might draw heavily upon them when there were preferences and partialities between different candidates. It was at the discretion of a candidate to keep aloof if he could see that there was to be contention about him. All that we have been concerned with thus far has related to a period in our church history when the congregational body had all been in substantial accord with the Puritan, Calvinistic, orthodox system of doctrinal faith under which all our early churches were gathered and covenanted.

But radical and very serious changes, modifications, and softenings of doctrinal belief had now come into the churches and furnished the occasion of division, acrimony, and strife. And here it is to be distinctly and emphatically noted that, though underlying and prompting the litigation to be referred to were doctrinal differences between the parties to it, the court did not and could not deal with the case with the slightest reference to or recognition of them. They were wholly waived and unnoticed. Not a plea nor an argument upon the right or the wrong, the truth or the error, the

legality or the illegality of religious opinions or beliefs came into the case.

I repeat, the issue turned upon the legal rights — whatever might have been the developments of historic-traditional usage and prescription — which a body of covenanted church members, connected with a parish, had in the call and institution of a minister, and in the control and disposal of parish and church property, such as the parsonage, ministerial lands, funds, plate, etc.

No reference whatever was made to the mode in which this church was constituted, the terms of its covenant, the method of admission to it of new members from the congregation, or matters of creed or doctrine. It was even admitted in the issue opened between parish and church, in the case before us, that it was not raised with any reference to matters of doctrinal belief. Yet none the less the prime occasion of the discord and dissension which then prevailed in the old Congregational churches of the State, and which made litigation and a judicial decision seemingly inevitable, was furnished in the changes and variances of doctrinal belief which had come to announce themselves and to find recognition alike among ministers, church members, and parishioners.

These changes had come in gradually, quietly, and for a time unchallenged. They were at first undefined and not sharply asserted. But they proved, as they advanced, to be radical, threatening and burdened with matter of discord and strife. We define the issue sharply enough by saying, in the phrases of the time, that it was an alarming "defection" in the churches from their original basis of Calvinism or orthodoxy, and a "decline" into a relaxed and vague form of so-called Liberalism. It is true such a process had been long advancing, and that the full recognition of its results could not but be attended with amazement, grief, alienation, and contention.

We have seen what materials and occasions for variance there were between congregations and churches, as their relations were disposed by laws and usages — while as yet

there were no questions opened in the communities which they represented in matters of doctrine. But when most serious and radical changes in doctrinal belief presented themselves for assertion and recognition, a wholly new element of strife came in with interminglings of passion and bitterness.

As I have intimated, ministers, church members, and parishioners were found to be divided and classified under the two parties, the old and the new, the orthodox and the liberal. By friendliness, neighborly regards, and tolerance, peace was for a while continued in many parishes. As there were known to be, in the congregations, men and women who were ready and desirous to share in church ordinances, but who shrank from the public relation of their religious experience or from the acceptance of the rigid doctrinal confession, if the minister and the church consented these terms might be relaxed by changing the matter of the covenant. If such change were resisted by the minister and a majority of the church, those of the congregation thus excluded from the ordinances would have their grievance. To this cause we must attribute jealousies and unfriendly relations between members of the congregation and the church in some parishes at that time.

As ministers then had a life tenure of office, the election of a new minister was the occasion of calling out and intensifying differences which had been repressed. In cases, of which there were many, including the strongest old parishes in the State, in which minister, congregation, and church had shared in the relaxing of the original orthodox standard, the transition of the pastorate was peaceful. Such was the case in the First Church of Boston in its passage from Calvinism to Liberalism. There is not a word or a trace on its records of any shock or variance in the choice of its successive ministers in accordance with the views of those whom they were to serve. In the contemporary church and congregation of Charlestown, in the ferment of the controversy, the majority of the legal proprietors preferred the old standards. So

the minority withdrew and instituted a new church and society. In Cambridge the majority of the parish took the liberal side in the choice of the minister, while the majority of the church dissented and set up another organization.

The pastor of the First Church in Dedham had resigned to assume the presidency of a college, and in 1818 a successor was to be chosen. It appears that the changes in doctrinal opinion and belief, which had been working for many years in the Congregational societies of the State, had manifested themselves here. Under the pastorate of the minister preceding him who had now retired, and who, in the phrase of the time, was classed among the so-called "Moderate," there had been modifications in the covenant and terms of admission to the church, under which many persons who had shrunk from accepting the previous terms had come into communion. Among these was that honored patriot statesman, Senator Fisher Ames. The succeeding pastor, now retiring, had been regarded, by some at least of the parish, as of the same "moderate" views and temper on points then so sharply contested. But it proved as time went on that his convictions and preferences and sympathies were with the old beliefs. There was likely then to be a variance in preference in the choice of a new pastor. Cambridge and Andover were the sources for the supply of candidates.

The parish here voting as legal proprietors, including of course both those who were and those who were not members of the church, by a majority of two thirds—representing four fifths of the taxable property of the town held by law to the support of the ministry — made choice of a Cambridge candidate. The communicants meeting separately, after the parishioners, dissented from the choice. It was doubted and disputed at the time whether the dissentients were a majority or a minority of the actual membership of the church. The numbers on either side — subject afterwards to readjustment — seemed to stand, of male members, fourteen in favor of the candidate and eighteen in opposition.

After the intensity of the variance was passed, a majority

of the church members appear to have retained their connection with the parish and the new minister. But as the dissentients in the church claimed to be a majority, the letter-missive, summoning neighbor or sister churches, by pastors and delegates, to gather in a council — after the prevailing usage of Congregationalism — for the ordination of the pastor-elect, could not go forth in the name of the "First *Church* of Dedham."

So the invitation went forth from the "First *Parish* of Dedham." Of course the dissentients urged that a minister thus instituted to office filled merely the legal requisition of "a preacher of morality and religion," and was not thereby ordained as pastor of the church. The church, therefore, a month afterward called a council of its own, which did little more than pronounce the proceedings of the parish council irregular, express sympathy with the aggrieved, and advise moderation.

In the litigation which followed between the parties, for the sake of defining the legal question, the point was yielded that the dissent of the church was the expression of the majority of its members. There were at the time three deacons in office. One of these soon died; of the others, the junior remained with the parish; the senior one, who by law was the trustee of the parish and church property, of considerable value, withdrew, carrying his vouchers with him. Of this property it is to be said — as of similar funds in other towns — that it had long been gathering from various sources and donors, gifts from the town and individuals—parsonage, lands, wood-lots, money, and church vessels. This deacon with the disaffected portion of the church claiming, as before said, to be a majority, and therefore entitled to hold the property, instituted a new fellowship and society and settled over them a pastor. This new pastor gives on his records, as "remonstrating" against the recent ordination of the minister of the First Parish, the names of ninety-five persons constituting, as he says, a majority of the church. Of these names twenty-four are of men and seventy-one are of women. The first

name is that of the pastor, whose resignation of the First Church and removal to another State, preceding the division, might seem to have released him from further responsibility in the case. How many of these names, men and women, were legal members of the parish it might be difficult to decide. Still, the allowance before the court was that they constituted the majority of the church.

The portion of the church remaining with the parish removed the deacon who had withdrawn from it, and chose two new deacons, in whose name a suit was instituted against the retiring deacon for the recovery of the parish and church property from his trusteeship.

It is interesting to note with what strict precision of rule and method the court, amid the intense excitement of the time — a more than local one — rigidly confined itself to the single point for adjudication. Not only, as has been said, were the underlying elements of contention wholly out of view, but there was reserve on other matters. The question was not adverted to of the doubtful elements of majority or minority between the parties; nor were the sources of the property in contest, as derived from persons in or out of the church, referred to. The question recognized by the court was simply this: whether the claimants had been lawfully appointed deacons of the First Church; that is, whether the body which had appointed them was by law the First Church.

The decision of the court was as follows:

"When the majority of the members of a Congregational church separate from the majority of the parish, the members who remain, although a minority, constitute the church in such parish and retain the rights and property belonging thereto."

This legal decision would have been regarded as a momentous one had it applied only to the single case then in hearing. But it was the establishment of a precedent which would dispose of all like cases then to be expected to present themselves in the troubles of the time between parishes and

the churches gathered within them. So far as it averted further litigation and induced a recourse to other methods of disposing of those like cases, it might be welcomed. The full purport of the decision was that the law did not recognize a church independently of its connection with the parish in which it was gathered, from which it might sever itself and carry property with it. Even the withdrawal of all the members of the church from the parish would leave free opportunity for a new church fellowship to be formed within the parish, which would accede to all the rights and property of the body that had retired.

Such was the disposal of a contested issue which was made by the supreme legal tribunal of the State. Doubtless, as to lawyers all things are possible, there were lawyers then and there may be lawyers now who would dispute the decision. Those of us who are not lawyers would at least, as I myself certainly should, be diffident about any questioning or discussing of it. But none the less, the decision caused a shock to the feelings and convictions of thousands in this community, of the most painful and exasperating character. Even were I to offer to you — as I shall not — extended relations and quotations from the documents of the time, I should fail to reproduce in you the sentiments and passions, the dismay and the indignation roused in multitudes then living.[1]

After the brief historic reference which I have made to the traditions, usages, and statutes concerning the privileges and prerogatives of covenanted church bodies as connected with miscellaneous congregations, I need not attempt to account for the indignation and the deep sense of grievance and wrong excited among those who fondly clung to the old ways of piety

---

[1] NOTE. I quote but a single one from the many impassioned outbursts from those who felt outraged by the decision of the court. It was made by Rev. Dr. Enoch Pond, afterwards of the Theological Seminary of Bangor. "We call the proceeding by the hard name of *plunder*. And we call upon the courts of Massachusetts to revoke these unrighteous decisions, and put the Congregational churches of the State upon their original and proper basis."— *Half Cen. of the Uni. Controv.*, page 415.

here. I understand it, I appreciate it. Historically, as I have said, I sympathize with it. The sting of that legal decision was sharp and deep. Had it then come to this! that the old churches of the fathers of the Puritan colony, the covenanted bodies, the elect religious fellowship, the pledged disciples of faith and piety, were the mere tenants on sufferance of the meeting-houses, the appanages of parishes, dependent upon them for roof and shelter, and upon the ministrations of teachers that might be set over them as pastors perhaps by unconverted tax-payers in the towns? There was no disguising the fact that the decision availed to the countenance of the liberal or innovating party in the churches.

But more than this, the decision, rightfully or not, was believed by very many sincere and earnest persons to be a grievous trespass upon vested rights sanctioned by usage, allowance, and law in the churches. It may be that we may find help towards an appreciation of the sense of wrong felt in this matter of religious interest by the aggrieved party by illustrating it, not from parallel, but from similar cases by the decision of the law in secular affairs.

Soon after the recuperation following the Revolutionary War the Legislature of this State gave an exclusive, favorable, and perpetual charter to an incorporated company for what was then regarded as a stupendous enterprise. It was the building of the first bridge over the Charles, between Boston and Charlestown. It proved a safe and vastly profitable investment. Faithful trustees and guardians of the property of others, the sacred securities of widows and children, committed to it their funds, purchasing the stock at a high premium, relying upon a pledged legal covenant. Some years afterwards, constraining reasons of business and convenience induced the Legislature to violate its own covenant and to charter a rival parallel bridge. Dismay and indignation for the old proprietors naturally followed. The case ran through all our courts, and the Supreme Court of the nation gave validity to the trespass.

A similar case presented itself of complaints of outrage of vested rights when the Legislature, by its charter of the Eastern Railroad, struck at the value of the property invested by a previous charter in the Salem turnpike. These are secular affairs. But we know well what intenser wraths may stir in heavenly spirits about sacred things. *Tantæ ne iræ?*

The difficulty of adjusting vested rights and institutions to changes of opinion in religion has been met in every age of developing civilization and knowledge. It is the province of a special department of civil law. Antiquated designations of trust funds have to be readjusted. The old Jewish synagogues and the Roman basilicas, with or without law, became Christian churches. At the Reformation millions of acres of land, cathedrals, churches, universities, schools, and uncounted sums of endowed benevolences, the monuments of Roman Catholic piety, were made over by Parliament to Protestantism. Hoards of wealth, yielding its proceeds to the English Church, were originally consecrated for the saying of masses for the repose of departed souls. What a disquieted and restless place that purgatory must have been conceived to be, when such wealth and intercession were needed to bring peace to its inmates!

Calvin found no qualms of conscience in preaching in the old Roman Cathedral at Geneva, and I have myself attended upon Unitarian ministrations there. But Protestantism, as I said at the start, has always been amazed and shocked by developments natural and inevitable from its own first principles. And so the law took away from our old churches the privileges which it had once granted to them.

We need pursue our subject no further than to take note of the fact that the law, as law, may have led the way to what has become the most marked characteristic of our time in the order and conduct of our religious institutions. The legal decision, without any such intent, but none the less effectively, did tend to discredit the old historic relation between a covenanted sacramental body and the congregation within which

it was gathered. The law seemed to intimate this: You must keep the teaching of religion and morality in a parish distinct, as the prior and paramount object, from the concerns of an inner fellowship for some special observances of its own.

Has not this had the effect of throwing into the shadow the church bodies in our old congregations? Certain it is that in no one of those congregations, however closely it might abide by the old standards of faith, would the church for one moment think of inducting a minister without having made sure first of the approval of the society. Nor is this all. We have in these days of ours, here and around us, become wonted to a state of things which may be regarded, from one point of view, as a recognition of the noblest religious liberalism, independently of all bonds of creed and covenant.

Among us especially, here and now, and largely elsewhere, religious institutions, methods, and benevolences are sustained — yes, I will say it — most generously and heartily sustained by those who are not committed by any personal pledge, creed, or covenant — even by many whose modesty or conscience would lead them to shrink from assuming the Christian name. Still they may have read or heard the words, "Ye are my disciples if ye do the things which I have commanded you."

Political, military, and religious conflicts constitute in history the larger and the most exciting portion of its records. While they are passing they engage one class of feelings and passions. The review of them by wise and calm reflection is more favorable to sober judgment. Our minds are capable, if we will so train them, of a degree of impartiality. In reviewing the local though intense dissension which we have sought calmly to apprehend, of course we cannot look for harmony and accord of opinion.

Yet a reasonable candor may prompt the friends and sympathizers with the party aggrieved by the legal decision to allow for the practical embarrassments with which it had to deal. The real root of the difficulty was this: the church

had failed to draw in or to retain, as it once did, the majority of the legal members of a parish. Indeed, in many cases the membership of the church was but a small minority of the parish. Certain feelings, prepossessions, prejudices, unsympathetic and even repelling, had made a connection with it unattractive to considerable numbers of persons. The communicants too were disproportionately women, who were not voters in business affairs.

As we have seen, the seceders from this parish were seventy-one women and twenty-four men. Had women voted there might have been direct antagonism with their husbands. Under the circumstances, constituted as a church was, it could hardly have been expected that even if all its members were of one mind the parish would yield to them the choice of a minister. If in this or in any other society the church had embraced a majority of the legal members of the parish, there would have been no occasion for an appeal to the law. It would then have been for dissatisfied communicant and non-communicant members to withdraw, as in some cases they did.

But why could not a church seceding by a positive majority of its members carry with it church property? The reason for denying that, as of right, seems to have been that that property was of a very miscellaneous character, not admitting of discrimination in its parts. It might have been long accumulating from the town treasury, from individuals, and joint contributors. It had always been identified with and used in common by the local central place of worship for the parish. The funeral bier and pall, the meeting-house, the parsonage, the ministerial lands, charity funds, the baptismal font and other sacred vessels, had been held and transmitted through that parish, and must through it go down to the succession. The church members might have the benefit of it but could not transfer it.

I have sought with candor and impartially to do justice to that feeling of amazement and protest which followed the adjudication subordinating an old Congregational church to a

parish. The same spirit of candor requires that a word be said on the side of those who approved the decision as under the circumstances of the time right and reasonable. It was judged by them as not just that the affairs and the funds of a parish should be controlled by a self-constituted body of church members, few or many, formed within it. There are many evidences in our records that in several old parishes a grudge or jealousy was long perpetuated from the restriction of the civil franchise to church members. The relative numbers of the communicants had been steadily decreasing in many parishes. To have retained its power the church should have retained its weight of influence. In some cases it did not. Had there been in a church a steady, strengthening growth in numbers and in the character of its members to secure the respect and confidence of a community, there would have been no lack of deference to it.

It would be safe to say, historically, that the church members in a town were generally the more exemplary and estimable of its people. But all were not such, and the free, inquisitorial spirit of our community was critical in such matters. Meanwhile it was undeniable that equally estimable and exemplary persons in a parish could not or would not pass the ordeal of admission to a church. The issue, in the view of such persons, then became a plain one; it was whether the owning of a covenant and the partaking of an ordinance should secure in a parish the same exclusive right which it once had in citizenship. Subsequent legislation has put it fully within the power of corporate covenanted religious bodies to hold their funds securely.

(Nov., 1891, 20,000)

BOSTON PUBLIC LIBRARY.

One volume allowed at a time, and obtained only by card; to be kept 14 days (or seven days in the case of fiction and juvenile books published within one year) without fine; not to be renewed; to be reclaimed by messenger after 21 days, who will collect 25 cents besides fine of 2 cents a day, including Sundays and holidays; not to be lent out of the borrower's household, and not to be transferred; to be returned at this Hall.

Borrowers finding this book mutilated or unwarrantably defaced are expected to report it, and also any undue delay in the delivery of books.

*** No claim can be established because of the failure of any notice, to or from the Library, through the mail.

The record below must not be made or altered by borrower.